

NOV 16 2004

Docket No. 3125-4002US1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): McNally, et al.

Group Art Unit: 2173

Serial No.: 10/015,729

Examiner: Kevin Nguyen

Filed: November 1, 2001

For: Information Management and Synchronous Communications System with Menu Generation

**TERMINAL DISCLAIMER UNDER 37 C.F.R. §1.321(C)
TO OBVIATE PROVISIONAL DOUBLE PATENTING REJECTION**VIA FACSIMILE – 703-872-9306
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Identity of Assignee

The petitioner, Ameranth Wireless, Inc, having a business address at 5375 Mira Sorrento Place, Suite 150, San Diego, California 92121 is the owner of the entire right, title and interest in the above-identified application, Serial No. 10/015,729, by virtue of an assignment recorded in parent application Serial No. 09/400,413 (now U.S. Patent No. 6,384,850) on December 17, 1999, at Reel/Frame No(s) 010460/0511. The petitioner is also the owner of the entire, right, title and interest in U.S. Patent No. 6,384,850.

Identification of Person(s) Making This Disclaimer

Name of disclaimant: Angus R. Gill. Disclaimant represents that he is a Registered Patent Agent, Registration No. 51,133, and an Agent of Record for the above-identified application, and authorized to sign on behalf of the assignee identified above.

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Extent of Interest

The extent of assignee's interest is in the whole of this invention.

Declaration Under 37 C.F.R. 3.73(b)

I, the undersigned, have reviewed all the documents in the chain of title of the patent application identified above and, to the best of my knowledge and belief, title is in the assignee identified above.

Disclaimer

The petitioner, through its Agent of Record, hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, of United States Patent No. 6,384,850. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and United States Patent 6,384,850 are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of U.S. Patent 6,384,850, in the event that U.S. Patent 6,384,850 expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

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Fee Status

(37 C.F.R. 1.20(d) and 37 C.F.R. 1.321)

☐ large entity--fee \$110.00

☒ small entity--fee \$55.00

Fee Payment

☐ Attached is a check in the sum of \$

☒ Charge Deposit Account 13-4500, Order No. 3125-4002US1 any fee required by this paper.

AUTHORIZATIONS:

The Commissioner is hereby authorized to charge any additional fees which may be required for timely consideration of this Terminal Disclaimer under 37 C.F.R. §§1.16 -§1.20 or credit any overpayment to Deposit Account No. 13-4500, Order No. 3125-4002US1. A

DUPLICATE COPY OF THIS DISCLAIMER IS ATTACHED.

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

Dated: November 16, 2004

By: 

Angus R. Gill
Registration No. 51,133

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